



Lake County

Sumter County

Town of Astatula

City of Center Hill

City of Clermont

City of Coleman

City of Eustis

City of Fruitland Park

City of Groveland

Town of
Howey-in-the-Hills

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Florida Central
Railroad

Lake County Schools

Sumter County Schools

January 12, 2010

Doug Gilpin, Chairman
Board of Sumter County Commissioners
910 North Main Street
Bushnell, FL 33513

Re: Grievance Appeal for Ms. Tami Silverman

Dear Chairman Gilpin,

Ms. Tami Silverman has filed a grievance with the Lake~Sumter Metropolitan Planning Organization (MPO) against Sumter County Transit (SCT) and their requirement that she travel with an escort for all trips made with SCT. This hearing scheduled before the Board of Sumter County Commissioners is the fourth step in the grievance process and the end product is the final determination for this issue, which is not subject to an appeal to an outside entity.

The MPO Transportation Disadvantaged Complaint/Grievance program is centered on local involvement and control. All service complaints and grievances are encouraged to be addressed/resolved through our local processes and appropriate channels. Complaints are defined by the MPO as any documented customer concern involving timeliness, vehicle condition, quality of service, personnel behavior, and other operational policies. Grievances are defined as unresolved complaints.

The Grievance Procedures are a four step process beginning with the local complaint procedure within SCT to address client concerns.

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| Step 1 | Service complaint can be made directly to a driver or by calling SCT. The Director of Community Services shall hold a hearing of the grievance or complaint. |
| Step 2 | If a grievance is not resolved in Step 1 the grievant may request an appeal to the Sumter County Transportation Disadvantaged Coordinating Board (TDCB) Grievance Subcommittee. |
| Step 3 | If a grievance is not resolved in Step 2 the grievant may request an appeal to the Sumter County TDCB. |
| Step 4 | If a grievance is not resolved in Step 3 a grievant may request an appeal with the Board of Sumter County Commissioners. The end product of the Board of Sumter County Commissioners formal grievance process is a final |

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determination, which is not subject to an appeal to an outside entity.

Ms. Tami Silverman is appealing the results of a grievance hearing concerning the requirement for her to travel with an escort for all trips with SCT. Please review the attached documents which include all pertinent documents related to this issue. A brief history of events related to this grievance appeal hearing is listed below:

- July 2007 After several incidents the travel with escort requirement is initiated with Ms. Silverman. SCT manager addressed these incidents with Ms. Silverman in mid-2007 and at that time required the use of an escort for future trips. Corrective actions were initially undertaken by Ms. Silverman to address the concerns and she followed the requirements for an escort.
- August 2008 Ms. Silverman sought to eliminate the requirement for an escort. The requirement for the escort was upheld by Community Services Division Director in August 2008. This is Step 1 in the Grievance Process.
- July 2, 2009: Ms. Silverman files a verbal complaint with the MPO concerning her requirement to travel with an escort. After a review of the complaint with Sumter County Transit, the Sumter County TDCB Chair determined the complaint did not warrant a formal grievance hearing at this time.
- September 8, 2009: Ms. Silverman filed a written complaint (via email) with the MPO concerning the requirement of traveling with an escort. The MPO scheduled a grievance hearing with the Sumter County TDCB Grievance Subcommittee.
- September 15, 2009: On September 15, 2009 the Sumter County TDCB Grievance Subcommittee met to review the grievance filed by Ms. Silverman on September 8, 2009. After review, the subcommittee voted unanimously to uphold the original criteria of Ms. Silverman's travel status with SCT. Ms. Silverman will be required to travel with an escort on all SCT trips. Ms. Silverman was unable to attend this subcommittee grievance hearing. This is Step 2 in the grievance process.
- October 12, 2009: Ms. Tami Silverman called the MPO offices on October 12th, 2009 and asked that the MPO take a written statement of appeal from her as she is not easily able to provide a written statement. Ms. Silverman appealed the decision of the Sumter County TDCB Grievance Subcommittee that she is required to travel with an escort.

- November 11, 2009 The Sumter County TDCB met to review the grievances appeals filed by Ms. Silverman on September 8, 2009 and again on October 12, 2009. The Sumter County TDCB reviewed all pertinent information and evidence presented by both Ms. Silverman (via written statement) and SCT. The Board voted unanimously to uphold the original criteria of Ms. Silverman's travel status (escort requirement) with SCT. Ms. Silverman was unable to attend this TDCB grievance hearing.
This is Step 3 in the Grievance Process.
- December 22, 2009 Ms. Tami Silverman called the MPO offices on December 22, 2009 and asked that the MPO take a written statement of appeal from her as she is not easily able to provide a written statement. Ms. Silverman appealed the decision of the Sumter County TDCB that she is required to travel with an escort. After discussions with Ms. Silverman the Board of Sumter County Commissioners meeting scheduled for January 26th at the Colony Cottage would be her preferred meeting date and location.
- December 23, 2009 Working with Sumter County Board support staff the MPO requests a Grievance Hearing for January 26, 2010 at the regularly scheduled Board of Sumter County Commission meeting.
This will be Step 4 in the Grievance Process.

The MPO serves as the planning agency for the urbanized areas of Lake and Sumter counties and provides staff support for the Sumter County TDCB. The purpose of the TDCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordinator (Sumter County BCC) on the coordination of transportation services to be provided to the transportation disadvantaged population. The MPO provides administrative facilitation of complaints and grievances for fulfilling the requirements of Chapter 427, Florida Statutes, Rule 41-2.012 Florida Administrative Code.

Respectfully,



Michael Woods, Transportation Planner
Lake~Sumter Metropolitan Planning Organization

- C. Don Burgess, Chairman, Sumter County TDCB
Bradley Arnold, County Manager, Sumter County
T.J. Fish, Executive Director, Lake~Sumter MPO
Deb Barsell, Director of Community Services, Sumter County
Joseph Quinn, Transportation Coordinator, Sumter County

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November 20, 2009

Ms. Tami Silverman
1080 Bichara Blvd. #213
Lady Lake, FL 32159

Re: Sumter County Transportation Disadvantaged Coordinating Board
Final Recommendation on Grievance Hearing Appeal

Dear Ms. Silverman:

On November 11, 2009 the Sumter County Transportation Disadvantaged Coordinating Board met to review the grievances filed by you on September 8, 2009 and again on October 12, 2009.

The Sumter County TDCB reviewed all pertinent information and evidence presented by both yourself (via written statement) and Sumter County Transit. The Board voted unanimously to uphold the original criteria of your travel status with Sumter County Transit.

The criteria stems from a number of incidents associated with previous ridership. These incidents have affected the operations and ridership experience of other patrons of Sumter County Transit, resulting in the requirement that an escort be in attendance with you during transport. These incidents fall into two key areas of concern: 1) the ability to provide efficient and timely transit service operations to the citizens of Sumter County and 2) the protection of the health, safety and welfare of yourself, our staff and patrons of Sumter County Transit.

Sumter County Transit wishes to continue to accommodate your transportation needs with the requirement of a travel escort. It is felt that reasonable options have been presented that would allow for your continued use of these services.

You have the right to appeal this decision in writing within 7 days of the date of receipt of this letter. If you decide to appeal this decision the issue would be heard by the Sumter County Board of County Commissioners at their regularly scheduled meeting of the Board within 30 days of receipt of your appeal request. Please forward all written correspondence to:

Sumter County Transportation Disadvantaged Coordinating Board
Chairman Don Burgess
c/o Lake-Sumter MPO
1616 South 14th Street
Leesburg, FL 34748

Or email your written appeal to Michael Woods at
mwoods@lakesumtermpo.com

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Please feel free to contact me by phone or email concerning this topic or any other issues or concerns dealing with your travel with Sumter County Transit.

Sincerely,


Michael Woods, Transportation Planner

c: Ombudsman, Florida Commission for the Transportation Disadvantaged
T.J. Fish, Lake~Sumter MPO, Executive Director
Commissioner Don Burgess, Sumter County TDCB Chair
Grievance Subcommittee Members
Deb Barsell, Sumter County Community Services Director
Joseph Quinn, AICP, Sumter County Transit

November 9, 2009

Presentation Notes

Tami Silverman Grievance Subcommittee Appeal

November 10, 2009, Sumter County Transportation Disadvantaged Coordinating Board

Ms. Tami Silverman has been a rider with Sumter County Transit since 2006. During this time, a variety of incidents have occurred during her travels on Sumter County Transit vehicles that have had to be addressed by Transit staff. These incidents have included, but are not limited to, missed trips ("no shows"), soliciting business from passengers and staff, issues with bodily fluids and mechanical problems with her motorized wheelchair. The previous Transit Manager addressed these incidents with Ms. Silverman in mid-2007 and at that time required the use of an escort for future trips. Corrective actions were initially undertaken by Ms. Silverman to address the concerns and she followed the requirements for an escort. In 2008, Ms. Silverman sought to eliminate the requirement for an escort. The requirement for the escort was upheld by the previous Community Services Division Director in August 2008. Ms. Silverman continued to conform to the requirements for an escort, but subsequently filed an appeal on that decision in 2009 that was heard by the Sumter County Transportation Disadvantaged Grievance Subcommittee.

The decision by the Grievance Subcommittee on Ms. Silverman's appeal, the details of which are presented to you today, stems from a number of incidents associated with Ms. Silverman's previous ridership. These incidents have affected the operations and ridership experience of other patrons of Sumter County Transit, resulting in the requirement that an escort be in attendance with her during transport. These incidents fall into two key areas of concern: 1) the ability to provide efficient and timely transit service operations to the citizens of Sumter County and 2) the protection of the health, safety and welfare of Ms. Silverman, our staff and patrons of Sumter County Transit.

The first area of concern relates to Ms. Silverman's use of services with Sumter County Transit. On a number of previous occasions without an escort, Ms. Silverman has not been located at the point of pick up when the bus has arrived at the scheduled time. This has necessitated our drivers having to leave the vehicle to search for Ms. Silverman at shops, restaurants or offices near the point of pick up, resulting in delay of service to other riders that may be waiting for the bus at later stops. On other occasions, Ms. Silverman could not be found or did not show up for the trip and did not call to cancel. This resulted in unnecessary time and resource (fuel, vehicle wear) expenditures to have the vehicle at the prescheduled location without benefit of serving a passenger. Such events impact the costs and timeliness of service delivery to our other passengers and financially impacts Ms. Silverman by the imposition of "no show" charges. There have also been instances where Ms. Silverman's electric wheelchair has been inoperable and she is physically unable to propel the wheelchair herself, requiring our drivers to maneuver the significantly more cumbersome and heavier equipment on/off of buses or to/from buildings. We feel that the requirement for an escort would assist Ms. Silverman in keeping to her scheduled pick up times, reduce the number of "no shows" incurred and ensure that someone is available to assist with her mobility in the event of failure of her motorized wheelchair.

The second area of concern relates to Ms. Silverman's need for adherence to minimum personal hygiene standards while on Sumter County Transit vehicles. Providing for appropriate personal hygiene in conformance with community standards is an expected responsibility of each rider using Sumter County Transit services. This requirement is identified under *Article IV Passenger Rights, Obligations and Responsibilities* of the Sumter County Transit Operations Manual, which is provided to all new riders of Sumter County Transit. On occasion, Ms. Silverman has boarded vehicles when soiled due to issues of incontinence, with the inability for cleanup exacerbated by Ms. Silverman's limited physical abilities. This leads to the possibility for direct or indirect transference of potentially bio-hazardous substances. For instance, drivers are required to secure Ms. Silverman's wheelchair into the vehicle per Federal Transit Administration

regulations. In the course of doing this, the potential exists for the driver to come into contact with her, the wheelchair or another part of the vehicle that may have become soiled. Other passengers could also come into contact with soiled portions of the vehicle. The requirement for an escort provides greater assurances that Ms. Silverman's hygiene would be addressed prior to boarding our vehicles or should an incident arise while aboard. Ms. Silverman has previously noted that her parents have acted as her escort, however, they have recently been in declining health. Given the nature of the issues involved, it may be advisable for the escort to be a trained personal care assistant in order to provide the services that Ms. Silverman may require.

In conclusion, Sumter County Transit wishes to continue to accommodate the transportation needs of Ms. Silverman and, to date, has sought to address the outlined issues directly with Ms. Silverman as they arose. It is felt that reasonable options have been presented that would allow for her continued use of these services. To this end, we respectfully request that the Board support the findings of the Grievance Subcommittee requiring Ms. Silverman's use of an escort while traveling via Sumter County Transit.

From: Tami Silverman <tamithetiger@embarqmail.com>
Sent: Tuesday, September 08, 2009 6:04 PM
To: Woods, Michael <mwoods@lakesumtermpto.com>
Subject: Grievance with Sumter County Transit

Dear Mike,

This is in reference to our conversation about my grievance with Sumter County transit.

I have been co-operating with Marie Nicolletti since January 2008 as far as travelling with an escort. However, it is no longer feasible for me to continue to travel with mom or anyone else as an escort the majority of the time.

I am aware of what Marie Nicolletti has said she has documented in my file that you have reviewed. I have enjoyed conversations with her and highly regard the service and it has served me well. The important issue at hand, however, is that it cannot be substantiated with anything and her allegations about my not being able to travel independently are simply not based on any truth. I wish to convey to the board making the final decision about my hearing that I will always be honest about the facts and will not say things just to make myself look good.

The drivers are commenting that I am doing a great job and they see that my mom simply boards the bus and gives me absolutely no help whatsoever.

The truth is that my mom has many of her own physical hardships including excruciating nerve pain in her back and legs often preventing her from travelling with me. When my mom travels with me, she sits on a bench outside while I independently take care of my business.

My not being permitted to travel on the Sumter County transit without an escort is causing a tremendous psychological as well as financial hardship due to the outside sales and marketing work that I need to do to financially sustain myself.

I am requesting that someone travel with me for a specified period of time to determine my capabilities of independent travel. This is the only way I would continue to cooperate with traveling with an escort. If that is the case and it is determined that I need an escort, your organization would need to provide an escort for me.

Thank you for considering my request for a hearing.

Tami E. Silverman



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TO: Sumter County Transportation Disadvantaged Coordinating Board (TDCB)

FROM: Michael Woods, Transportation Planner, Lake~Sumter MPO

**RE: Written Appeal Statement from Ms. Tami Silverman
Grievance Appeal Hearing November 10th at 2 PM**

DATE: November 2, 2009

Ms. Tami Silverman called the Lake~Sumter MPO offices on October 12th, 2009 and asked that I take a written statement of appeal from her as she is not easily able to provide a written statement.

I am appealing the decision of the Sumter County TDCB Grievance subcommittee that met on September 15th at 1 PM in the Sumter County Government Offices that I must continue to travel with an escort. I am appealing on the basis that:

- 1. I did not attend the hearing.*
- 2. I do not need an escort to travel with Sumter County Transit. My mother who is my main escort does not provide any help or assistance to me when I travel so why is she required to be with me.*

I have no negative intentions toward Sumter County Transit or the MPO; I am just looking out for my personal well being. I believe the requirement of travel with an escort is a hardship that I should not have to endure.

Thank you, Tami Silverman.

I have included all correspondence from the MPO to Ms. Silverman concerning this matter for your review, along with the Sumter County Transit travel log notes, and the current Sumter County TDCB grievance procedure by-laws. Please call or email with any questions or concerns about this matter.

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CTD Helpline Program

If you have questions or concerns please call (800) 983-2435 or email John Irvine at John.Irvine@dot.state.fl.us.

The CTD Helpline was created in 1994 to provide transportation disadvantaged customers with an avenue to voice concerns about the coordinated transportation system and also as a means to provide information about the TD program.

The helpline is a part of the Quality Assurance Program being implemented by the Commission for the Transportation Disadvantaged. CTD Helpline staff intake calls, listen and document concerns of the consumer, provide callers with information, refer callers to the appropriate local area, and maintain a database on information from all callers.

All calls that concern local TD services will be referred to the appropriate local staff for follow-up. However, the CTD Helpline staff will follow-up with the customers to insure their concern has been addressed.

In addition, the CTD Helpline staff assist callers in resolving consumer concerns by acting as an advocate or mediator on the caller's behalf.

- Helpline hours of operation are 8:00 a.m. to 5:00 p.m. Monday through Friday, with voice mail capabilities for evenings and weekends.

- The CTD Helpline phone number is: 1-800-983-2435.

Customer Rights and Responsibilities

Everything you ever wanted to know about Paratransit Eligibility and didn't even know who to ask!

The Grievance Committee shall complete its report no later than 30 days after the date the final meeting on a grievance is held. A copy of the report shall be mailed to the parties, the Board of County Commissioners, and any other persons who have requested a copy.

2) Coordinating Board Review, Use and Dissemination of Grievance Committee Reports

At each regular Coordinating Board meeting, the Coordinating Board shall review any reports completed by the Grievance Committee since its last meeting. The Coordinating Board shall utilize the findings and recommendations included in the reports as appropriate when executing its various duties. Also, the Coordinating Board shall provide the Florida Commission for the Transportation Disadvantaged with copies of any reports that address contractual or systemic issues of potential interest to the Commission.

4. Complaint/Grievance Procedures

Grievances Involving Service Complaints

Step 1

1) Service complaints can be made directly to a driver or by calling SCT at (352) 568-6683. If a complaint is made to a driver, or if a driver has a complaint, the driver will record the complaint on his or her manifest. The driver or the person, to whom the driver directly reports, if other than SCT's Transportation Coordinator, shall bring the complaint to the attention of SCT's Transportation Coordinator or his/her designee the same or next business day. The Transportation Coordinator will enter all service complaints received into a central log. Information recorded will include, at a minimum: the date a complaint was made; the name, address and telephone number of the rider/agency/ organization/transportation operator making the complaint; the nature of the complaint and the parties involved (including the date and time of the incident leading to the complaint). The Transportation Coordinator shall thoroughly investigate the complaint and take appropriate action to resolve the situation. The complainant will be notified within 10 days of its receipt of a complaint, the action, if any, SCT has taken or will take in response to the complaint. The date the complainant was notified of SCT's disposition of the complaint and manner of notification (oral or written), will be recorded in the complaint log. This notice will include advising the complainant of the availability of the Commission for Transportation Disadvantaged Ombudsman Program (Ombudsman Helpline 1-800-983-2435; TDD 1-800-648-6084), and to appeal these findings, the complainant must make the complaint in writing. If the complainant files an appeal to the findings of a service complaint, the service complaint now becomes a grievance, and the appeal must be received within 7 days of the date the grievant was notified of SCT's disposition of the service complaint. The process will start with Step 2.

2) Within 30 days of receipt of a written grievance not involving an unresolved service complaint, the Director of Community Services shall hold a hearing on the grievance with all affected parties allowed the opportunity to attend and present evidence. Findings of fact generated and any relief granted as a result of this hearing will be documented in a written report completed within 14 days of the date of the hearing. A copy of the report will be provided to the complainant.

Step 2

If a grievance is not resolved in Step 1, or is an unresolved services complaint, the grievant may request, in writing and within 7 days of the date of receipt of the report prepared in Step 1, an appeal to the Coordinating Board. The Coordinating Board Grievance Committee shall hold a hearing on the appeal not more than 30 days from the date the appeal request was received. All affected parties will be allowed to attend and present evidence. Findings of fact generated and any relief granted as a result of this hearing will be documented in a written report completed within 14 days of the date of the hearing. A copy of the report will be provided to the complainant.

Step 3

If a grievance is not resolved in Step 2, the grievant may request, in writing and within 7 days of the date of receipt of the written report prepared in Step 2, an appeal to the Coordinating Board. The Coordinating Board shall hold a hearing on the appeal not more than 30 days from the date the appeal request was received. All affected parties will be allowed to attend and present evidence. Findings of fact generated and any relief granted as a result of this hearing will be documented in a written report completed within 14 days of the date of the hearing. A copy of the report will be provided to the complainant.

Step 4

If a grievance is not resolved in Step 3, the grievant may request, in writing and within 7 days of the date of receipt of the written report prepared in Step 3, an appeal to the Board of Sumter County Commissioners. The Board of Sumter County Commissioners shall hold a hearing on the appeal not more than 30 days from the date the appeal request was received. All affected parties will be allowed to attend and present evidence. Findings of fact generated and any relief granted as a result of this hearing will be documented in a written report completed within 14 days of the date of the hearing. A copy of the report will be provided to the complainant.

If the grievance is resolved at Steps 1, 2, or 3 a copy of the grievance and the written report prepared in Steps 1, 2, or 3 shall be provided to the Sumter County Board of County Commissioners.

The end product of the Board of Sumter County Commissioners' formal grievance process is a final determination, which is not subject to an appeal to outside entities.

5. Filing a Grievance

A grievance must be presented in writing and include the following:

1. The complainant's name, address and telephone number;
2. The name of a contact person if the complainant is an agency;
3. A concise but complete statement of the grievance supplemented by supporting documentation as appropriate; and
4. A description of service improvement or improvements identified as being needed.

The grievance should identify any statutes, rules or contractual obligations alleged to have been violated.

Complaints/Grievances and appeals must be sent to:

Director, Community Services Administration
229 East Anderson Ave.
Bushnell, Florida 33513

The Director shall acknowledge each grievance in writing upon receipt. The acknowledgment will note the date received the grievance and include the date on which the Step 1 hearing on the grievance will be held.

Copies of the state statute and rules governing transportation disadvantaged programs can be obtained from the LSMPO. Also, complainants can obtain assistance filing grievances from the LSMPO staff as resources permit. Requests must be mailed to:

Lake-Sumter Metropolitan Planning Organization
Transportation Disadvantaged Program
1616 South 14th Street
Leesburg, Florida 34748

C. EVALUATION PROCESSES

1. CTC Evaluation Process

The Sumter County Transportation Disadvantaged Local Coordinating Board monitors SCT's performance as the CTC for Sumter County on an ongoing basis through various means including, among others, receiving a report from SCT at each of its meetings and using or consulting with individuals who use the services available through Sumter County's coordinated transportation system. The LCB's annual evaluation of SCT will include, at a minimum:

- completed cost, competition and availability modules from the Commission for the Transportation Disadvantaged's Evaluation Workbook for Community Transportation Coordinators and Providers in Florida (Revised April 1996)
- an assessment of compliance with the Service Standards listed in Section III.A.
- an assessment of progress made in implementing the strategies and achieving the associated goals and objectives listed in the Implementation Schedule in Section I.E.2 that identify the CTC as a responsible party
- findings and recommendations, including a recommendation regarding retention of SCT as the CTC for Sumter County.

The LCB's annual evaluation of SCT also may include a survey and other components as agreed upon by SCT, the LCB and Official Planning Agency staff.



September 29, 2009

Ms. Tami Silverman
1080 Bichara Blvd. #213
Lady Lake, FL 32159

Re: Grievance Subcommittee Final Recommendation

Dear Ms. Silverman:

On September 15, 2009 the Sumter County Transportation Disadvantaged Coordinating Board Grievance Subcommittee met to review the grievance filed by you on September 8, 2009. After review, the subcommittee voted unanimously to uphold the original criteria of your travel status with Sumter County Transit. You will be required to travel with an escort on all Sumter County Transit trips.

You have the right to appeal this decision in writing within 7 days of the date of receipt of this letter. If you decide to appeal this decision please forward all correspondence to:

Sumter County Transportation Disadvantaged Coordinating Board, Chairman
c/o Lake-Sumter MPO
1616 South 14th Street
Leesburg, FL 34748

Or email your written appeal to Michael Woods at
mwoods@lakesumtermpo.com

Please feel free to contact me by phone or email concerning this topic or any other issues or concerns dealing with your travel with Sumter County Transit.

Sincerely,


Michael Woods, Transportation Planner

c: Ombudsman, Florida Commission for the Transportation Disadvantaged
T.J. Fish, Lake-Sumter MPO, Executive Director
Commissioner Don Burgess, Sumter County TDCB Chair
Grievance Subcommittee Members
Deb Barsell, Sumter County Community Services Director

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